



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,643	02/25/2002	Willi Kaiser	070191-0322 (31-HL-6088)	3659
7590 Joseph D. Kuborn ANSRUS, SCEALES, STARKE & SAWALL 100 EAST WISCONSIN AVENUE, SUITE 1100 MIWAUKEE,, WI 53202			EXAMINER LE, LINH GIANG	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/082,643	Applicant(s) KAISER ET AL.	
	Examiner Michelle Linh-Giang Le	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number:
10/082,643
Art Unit: 3626

Page 2

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 October 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8, 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mischynski (2002/0188214) in view of Selker (5,277,188).

4. As per claim 1, Mischynski teaches a method for determining the presence of a condition of a patient's heart, the method comprising the steps of:
reading at least one parameter value of a bio-medical signal of a patient; and
determining the likelihood of the presence of a condition of a patient's heart based on

Application/Control Number:
10/082,643
Art Unit: 3626

Page 3

the at least one parameter value, the step of determining including the step of comparing the at least one parameter value of the bio-medical signal with all corresponding parameter values stored in a database, wherein all corresponding parameter values in the database are collected from a plurality of patients (Misczyniski; Para. 248, 249); and displaying the likelihood on a graphical user interlace (GUI), wherein the at least one parameter of the patient is entered in a field box defined by a lead of measured parameter values and a type of parameter value (Misczyniski; Para. 72).

Misczyniski does not expressly teach calculating a percentage representing a likelihood of a patient's heart condition. However this is well known in the art as evidenced by Selker. In particular Selker teaches evaluating a waveform analyzer and generating a probability that the patient is experiencing a particular type of cardiac condition (Selker; Col. 4, lines 10-25). It would have been obvious to add these teachings to Misczyniski with the motivation of effectively monitoring and evaluating clinical care provided to cardiac patients (Selker; Col. 3, lines 10-12).

5. As per claim 2, Misczyniski teaches wherein the bio-medical signal comprises an ECG of a patient (Misczyniski; para. 72).

6. As per claim 3, method of claim 1, wherein the step of determining includes the step of calculating a comparison result for a condition based on the comparison of the at

Application/Control Number:
10/082,643
Art Unit: 3626

Page 4

least one parameter value of the patient with the corresponding parameter values stored in the database (Misczyniski; Para. 248, 249).

7. As per claim 4, Misczyniski teaches wherein the step of calculating includes the step of determining whether the comparison value for the condition is TRUE (Misczyniski; Para. 248, 249).

8. As per claim 6, Misczyniski teaches further comprising the step of entering the at least one parameter value of the patient, prior to the reading step (Misczyniski; Para. 248, 249).

9. Claims 8, 10-27 repeat the limitations of the previous claims and the reasons for rejection are incorporated herein.

10. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misczyniski (2002/0188214) in view of Fey (2002/0038277).

11. As per claim 7, Misczyniski does not expressly teach the method wherein at least one parameter value of the patient is entered via a browser. However this is well known in the art as evidenced by Fey. IN particular, Fey teaches using a client web browser (Fey; pg. 3, para. 24). It would have been obvious to add this feature to the Misczyniski

Application/Control Number:
10/082,643
Art Unit: 3626

Page 5

teachings with the motivation of providing a centralized health screening and data management system in communication with a plurality of facilities (Fey, pg. 3, para. 20)

12. Claims 9 repeats the limitations of claim 7 and the reasons for rejection are incorporated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
10/082,643
Art Unit: 3626

Page 6

LLe


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600